

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATIONWIDE LIFE INSURANCE COMPANY,
a foreign corporation,

Plaintiff/Counter-Defendant,

vs

Case: 2:11-cv-12422-AC-MKM
Hon. Avern Cohn

WILLIAM KEENE, JENNIFER KEENE,
MONICA LYNN LUPILOFF, NICOLE RENEE
LUPILOFF and NICOLE RENEE LUPILOFF
PERSONAL REPRESENTATIVE OF THE ESTATE
OF GARY LUPILOFF, DECEASED,

Defendants,

and

**CLARIFICATION OF DEFENDANTS/
COUNTER-PLAINTIFFS/CROSS-
PLAINTIFFS' ALLEGATIONS OF
FRAUD IN LIEU OF OBJECTIONS**

MONICA LYNN LUPILOFF, NICOLE RENEE
LUPILOFF and NICOLE RENEE LUPILOFF
PERSONAL REPRESENTATIVE OF THE ESTATE
OF GARY LUPILOFF, DECEASED,

**CERTIFICATE OF
SERVICE**

Defendants/Counter-Plaintiffs/Cross-Plaintiffs,

vs

WILLIAM KEENE, JENNIFER KEENE,
individually, jointly and severally,

Defendants/Cross-Defendants.

Michael F. Schmidt (P25213)
Attorney for Plaintiff
1050 Wilshire Dr, Ste 320
Troy MI 48084
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Albert L. Holtz (P15088)
ALBERT L. HOLTZ, P.C.
Attorney for Monica Lupiloff, Nicole
Lupiloff and Nicole Lupiloff,
Personal Representative of the
Estate of Gary Lupiloff, deceased
248 593-5000

**CLARIFICATION OF DEFENDANTS/COUNTER-PLAINTIFFS/CROSS-PLAINTIFFS'
ALLEGATIONS OF FRAUD IN LIEU OF OBJECTION**

CERTIFICATE OF SERVICE

NOW COME the Defendants/Counter-Plaintiffs/Cross-Plaintiffs herein, Monica Lynn Lupiloff, Nicole Renee Lupiloff and Nicole Renee Lupiloff Personal Representative of the Estate of Gary Lupiloff, Deceased, by their attorney, ALBERT L. HOLTZ, P.C., and state as follows:

On October 17, 2013, this Court issued an order bifurcating this case and granting Plaintiff's Motion for Jury Trial. The Court further instructed that objections to said order be filed by October 24, 2013. While these parties have no objections to said ruling, they wish to clarify their position. It is the contention of the Defendants/Counter-Plaintiffs/Cross-Plaintiffs that while Plaintiff claims there was fraud in the purchase of the policy, the real fraud/coercion was perpetrated by Defendants Keene in the change of ownership and change of beneficiary several years later and before decedent's death.

ALBERT L. HOLTZ, P.C.

Dated: 23 October 2013

/s/ Albert L. Holtz

CERTIFICATE OF SERVICE

LYNN PARSONS does hereby affirmatively state that on 10-23-13 she electronically filed the foregoing and this Proof of Service with the Clerk of the Court using Wiznet E-File & Serve system which will effectuate service upon all counsel of record.

/s/ Lynn Parsons